

The Employment Law Position of a Woman on Maternity and Parental Leave

Abstract

The rigorosum thesis consists of four parts, the first one focuses on the legal regulation of maternity leave, the second one on the legal regulation of parental leave, the third is dedicated to the legal regulation of annual leave in connection with maternity and parental leave and the last one deals with the termination of the employment relationship with a female employee on maternity and parental leave.

The rigorosum thesis provides the description of the current Czech employment law regulation of maternity and parental leave impacting on a female employee in an employment relationship and, therefore, constituting her employment law position during these leaves or in direct connection with them. Simultaneously, the thesis contains the analysis of this regulation and the occasional comparison to foreign legal orders. The employment law position of a woman during her maternity and parental leave is analysed and evaluated especially with regard to the requirements set by the law of the European Union, key Czech and European judgments and establishing the most optimal legal regulation regarding both organizing and protective roles of employment law. When considering the most optimal legal regulation the thesis takes also into account the key and very current need for better ways how to balance work and family lives. The complex issue of balancing work and family lives as such is, however, set aside and the thesis focuses on some, possibly the most important ones, of its tools – maternity and parental leaves. Attention is paid primarily to the Czech legal regulation of these institutes, mainly the relevant provisions of the Czech Labour Code, European and international legal regulation is dealt with only in direct connection with the Czech regulation, mainly in terms of the (non-)conformity with the law of the European Union.

The objective of the rigorosum thesis is the evaluation of the concerned legal regulation, the identification of its possible problematic aspects and the submission of *de lege ferenda* proposals which are summarized in the thesis conclusion.

Klíčová slova: maternity leave, parental leave, working mother, female worker protection